

MAIL ROOM

Before the
Federal Communications Commission
Washington, DC 20554

2002 MAY 22 P 4: 19

In the Matter of)

Request for Review of the)

Decision of the)

Universal Service Administrator by)

Seward Community Library)

Seward, Alaska)

Federal-State Joint Board on)

Universal Service)

Changes to the Board of Directors of the)

National Exchange Carrier Association, Inc.)

File No. SLD-177286

CC Docket No. 96-45

CC Docket No. 97-21 ✓

LIVED

ORDER**Adopted: May 18, 2001****Released: May 21, 2001**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by Seward Community Library (Seward), Seward, Alaska.¹ Seward requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) that returned, without consideration, Seward's application under the schools and libraries universal service support mechanism for failing to file its application within the application window deadline.² For the reasons discussed below, we dismiss Seward's Request for Review because its issues are moot.

2. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries may apply for discounts for eligible telecommunications services, Internet access, and internal connections.³ To receive discounts for eligible services, an eligible school or library "shall . . . submit a completed FCC Form 471 to the Administrator."⁴ The FCC Form 471 requires the applicant to provide specific

¹ Letter from Patricia Linville, Seward Community Library, to Federal Communications Commission, filed June 30, 2000 (Request for Review).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Patricia Linville, Seward Community Library, dated June 20, 2000 (Administrator's Decision).

³ 47 C.F.R. §§ 54.502, 54.503.

⁴ 47 C.F.R. § 54.504(c).

information about the service for which a discount is sought.⁵ Applications filed during the filing window are deemed simultaneously filed.⁶ The filing window for the 2000-01 funding year (Year 3) opened on November 10, 1999, and closed on January 19, 2000.⁷

3. Seward filed an FCC Form 471 electronically requesting discounted services for Year 3.⁸ By letter from SLD, Seward was informed that its completed application was received by SLD prior to the close of the Funding Year 3 window. SLD also told Seward that the Block 6 Certification and Block 5, Item 22, Service Description in its FCC Form 471 had not been received. This letter further informed Seward that the missing information had to be received by SLD by January 26, 2000.

4. After several conversations with SLD, Seward learned that its FCC Form 471 was designated as filed out of the window. On February 22, 2000, Seward filed a waiver request with SLD concerning SLD's decision. On June 20, 2000, SLD issued an Administrator's Decision indicating that the Federal Communications Commission rules do not permit SLD to consider Seward's request. Seward subsequently filed the instant Request for Review with the Commission. We have since learned that on August 4, 2000, SLD issued a Funding Commitment Decision Letter approving Seward's request for discounted services.⁹ Therefore, we dismiss Seward's Request for Review because it is moot.

⁵ See Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (*FCC Form 471*) (attached as Appendix A). On the FCC Form 471, the applicant records data used by SLD to evaluate the eligibility for discounts of the services received and the entities receiving them, as well as to determine the applicant's priority to receive a discount for a particular request and the discount available to the applicant if the discount is granted. Specific information requested on the FCC Form 471 identifies, for example, the applicant; the individual entities (*i.e.*, particular schools and libraries) that will be receiving services; the vendors; key terms of contracts between vendors and the applicant, including pricing and length of contract; and which entities will be receiving what services included in the application.

⁶ The Commission's rules establish a window to be determined by SLD. See 47 C.F.R. § 54.507(c). Commission rules also establish funding priorities for those requests filed during the window. See 47 C.F.R. § 54.507(g).

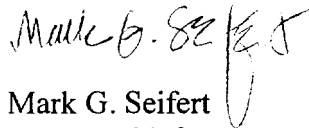
⁷ See SLD website, SLD Announces Availability of New Forms, <http://www.sl.universalservice.org/whatsnew/101999.asp>.

⁸ FCC Form 471, Seward Community Library, filed January 14, 2000.

⁹ See Letter from Schools and Libraries Division, Universal Service Administrative Company, to Patricia Linville, Seward Community Library, dated August 4, 2000 (Funding Commitment Decision Letter).

5. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Seward Community Library, Seward, Arkansas on June 30, 2000, IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in dark ink, appearing to read "Mark G. Seifert", with a stylized flourish at the end.

Mark G. Seifert
Deputy Chief, Accounting Policy Division
Common Carrier Bureau